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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 JESS GUY ANSCOTT,

7 Petitioner,

8 vs.

9 BRIAN WILLIAMS, *et al.*,

10 Respondents.
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Case No. 2:13-cv-1833-JAD-VCF

ORDER

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13 This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a
14 Nevada state prisoner. By order filed February 2, 2015, the Court granted in part and denied in part
15 respondents' motion to dismiss the petition. (Doc. 24). Specifically, the Court ruled that Grounds
16 1(d), 1(e), 2(b), 2(c), 3, and 4 of the federal petition are unexhausted. Additionally, the only
17 exhausted portion of Ground 2(a) is petitioner's allegation that appellate counsel failed to present
18 the Nevada Supreme Court with a transcript of the plea canvass; the remainder of Ground 2(a) is
19 unexhausted. The Court declined to dismiss Grounds 1(c), 1(d), and 1(e) as conclusory. The Court
20 also ruled that, to the extent that Ground 3 alleges that the state district court violated NRS 207.010
21 when sentencing petitioner as a habitual offender, the state law claim was dismissed with prejudice
22 as non-cognizable in federal habeas corpus. The Court gave petitioner the following options for
23 dealing with his exhausted claims: (1) inform this Court in a sworn declaration that he wishes to
24 formally and forever abandon the unexhausted grounds for relief in his federal habeas petition and
25 proceed on the exhausted grounds; or (2) inform this Court in a sworn declaration that he wishes to
26 dismiss this petition without prejudice in order to return to state court to exhaust his unexhausted
27 claims; or (3) file a motion for a stay and abeyance, asking this Court to hold his exhausted claims
28 in abeyance while he returns to state court to exhaust his unexhausted claims.

22 **IT IS THEREFORE ORDERED** that petitioner's motion to amend (doc. 27) is **DENIED**.

25 Dated: June 9, 2015.

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